

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3
4 MELVIN NEWSOME, et al. * CIVIL ACTION S01-2257
5 Plaintiffs *
6 vs. Baltimore, Maryland
7 *
8 UP-TO-DATE LAUNDRY, INC,
9 et al. * March 26, 2003
10 Defendants * * * * *
11 Deposition of MELVIN NEWSOME, a witness of
12 lawful age, taken on behalf of the Defendants in the
13 above-entitled cause, pending in the District Court of
14 the United States for the District of Maryland, before
15 Dawn L. Venker, a Notary Public in and for Baltimore
16 County, Maryland, at 7 St. Paul Street, 15th Floor,
17 Baltimore, Maryland 21202, on 26th day of March, 2003.
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19 * * * * *
20
21 APPEARANCES:
22
23 PHILIP SIMON, Esquire
24 For the Plaintiffs
25
26 JEANNE M. PHELAN, Esquire
27 For the Defendants
28
29 ALSO PRESENT: BRAD MINETREE
30
31 Reported By: Dawn L. Venker

TOWSON REPORTING COMPANY
(410) 828-4148

1 A I basically told my co -- well, I
2 basically, after talking to the coworkers, found out
3 that they had some of the same concerns that I did

4 about low pay, verbal abuse, being called niggers at
5 certain times, sexual harassment, job scheduling,
6 putting in the soil room rather than on the flat where
7 the clean laundry was where most of the coworkers,
8 Latinos, worked.

9 Basically that's how we came to a decision
10 that we were all being treated unfairly on several
11 occasions no matter how long we had been there. Some
12 people didn't have vacations. They were concerned
13 about that. No sick leave. Stuff like that. That was
14 our concerns, and that's what brought us to an
15 agreement that we needed to have some kind of

16 organization to see if we could get a better workplace.

17 Q When did you come to that agreement that
18 you needed organization?

19 A Sometime in May.

20 Q When did your organizing effort start?

21 A Sometime in May. Around the beginning

1 Q I assume that the hearing was preceded by
2 perhaps decisions and meetings regarding the union?

3 A No.

4 Q Prior to May 11th, 1999, you never
5 discussed the union with anybody?

6 A You mean before May 11th or after May 11th?

7 Q Before May 11th.

8 A Before May 11th I basically -- I just spoke
9 to workers concerning our concerns.

10 Q What I want to do is trace that back to the
11 very beginning, and tell me how the whole concept of
12 thinking about the union started.

13 A You know -- well, we were at the old plant.
14 Some union workers there showed up. I think one of
15 them name was Rachel from D.C. They basically were
16 interviewing people while we were waiting to go catch
17 our ride at Up-To-Date at De Soto Road, and they
18 basically asked how was our working conditions. Did we
19 feel we had fair pay. Did we have vacation time, sick
20 time, annual leave. Stuff that unions usually have on
21 their jobs. And we basically expressed no. That's how

1 Q Why do you say that?

2 A Well, I was approached one day in May by
3 Ms. Nancy after the hearing, and I gave out some
4 literature -- open letter to Latinos to verbalize so we
5 could reach them as well because they basically didn't
6 speak that much English. We didn't have a rapport with
7 them.

8 We had an open letter in Spanish and
9 English explaining which twenty-eight African-Americans
10 signed it to let them that were not afraid from
11 repercussions, etcetera, from the company. We gave
12 them that letter.

13 And Ms. Nancy approached me that same day
14 because I give them out during my lunchtime. She came
15 to me after lunch and said I could do anything I wanted
16 to for those people, but not on her property.

17 Her son Dave at same time verbalized to me
18 if I wanted to keep my job, I should stop trying to
19 cause problems or trouble he said exactly.

20 Q Did you have anything to say to Nancy after
21 she said, "You can do anything you want with these

1 schedule? Was there a schedule posted?

2 A Yes. It was for all workers.

3 Q Where was this posted?

4 A It was posted on the wall as you came into
5 the plant on the right -- left-hand side before you go
6 to the office door.

7 Q And what did it look like?

8 A It was on yellow paper, and it had a
9 schedule of everybody for evening and day shift.

10 Q It was the hours that you were assigned to?

11 A The days that you were assigned to work.

12 Didn't have the hours. Basically we had schedule. You
13 were on 2:00 -- you were either on 7:00 to 3:00 or
14 either 2:30 to 11:00 or until the work was done.

15 Q So it just told you if you were off on
16 particular days?

17 A Yes.

18 Q When did your schedule change?

19 A It started changing after I gave out the
20 open letter. Sometime in May through -- I don't know
21 exactly what date, but it started altering between May

1 A Yes, he did.

2 Q Why did you not go out on the floor?

3 A Because John said I didn't have to and told
4 me I could go home.

5 Q Why was it that you wanted to go home
6 rather than work?

7 A Because I had completed the shift that he
8 gave me. I wanted to go back to flatwork where I was
9 scheduled to, where I usually had been working. I
10 didn't understand why he wanted to switch me to the
11 soil room anyway.

12 Q Did you ask anybody why they switched you
13 to the soil room?

14 A I asked them. I just asked them, "Is
15 this" -- I asked Lulu. She said she didn't know. On
16 one occasion, she told me just to go back pulling
17 boxes, and she told me any time that they scheduled me
18 for the soil room to let her know when she was there.
19 But she wasn't there always.

20 Q There was one occasion where you talked
21 with her where she took you out of the soil room and

1 Q Why was it that you called AFSCME?

2 A Basically because you had a group of people
3 that felt that they were being discriminated against.

4 Q So we talked earlier in this deposition
5 about discussions you had with other workers who felt
6 they had been discriminated against. Is that what you
7 are referring to?

8 A Yes.

9 Q So those conversations led you to call
10 AFSCME?

11 A Yes.

12 Q You state that you noticed every time an
13 African-American left or was fired they would be
14 replaced with a Mexican.

15 A A Latino or Mexican, yes.

16 Q Tell me about that. Where did you get that
17 information?

18 A Well, when I first went to work in the
19 plant, it was basically all African-Americans. As
20 people started leaving, I saw they were not being
21 replaced by African-Americans, which in the

1 stuff like that.

2 Q Had you made attempts yourself to talk to
3 the Spanish employees?

4 A Yes.

5 Q Do you know which ones?

6 A No.

7 Q You indicate in the affidavit you told the
8 union people we needed to hand out literature written
9 in Spanish so that the Latinos could understand it
10 better.

11 A Yes.

12 Q Did you do that?

13 A Yes.

14 Q And that it indicates about three -- two or
15 three weeks after the hearing in late May, "I got
16 literature in Spanish and gave it to a group of five
17 Latinos." Did that happen?

18 A It was in May, yes.

19 Q What literature was it that you got in
20 Spanish?

21 A It was the open letter just airing

1 concerns, asking questions about discrimination,
2 harassment, low pay, wage, etcetera. Basically just,
3 you know, to let them know that we all have the same
4 plight. It's no different. We are not trying to take
5 your jobs or anything. We just basically have the same
6 concerns. We want to know if you do. Something like
7 that.

8 Q So it is your recollection there was no
9 literature in Spanish other than the open letter?

10 A They may have some Spanish fliers
11 afterwards, but I'm just talking about the open letter.
12 Before then, no, there was no literature that I know.

13 Q How did the open letter come about?

14 A We were at one of the gatherings that the
15 union people had set up to interview some people to
16 file their grievances, and after attending the hearing,
17 I was basically saying that you couldn't -- we couldn't
18 have any conversation with the Latinos if we didn't
19 have anything written in Spanish.

20 So they decided -- we decided at the same
21 time we would take on our so called concerns, and we

1 Q Who typed the English version?

2 A I don't know.

3 Q And when was the open letter signed?

4 A Somewhere between -- after the hearing and

5 somewhere before the end of May at the meeting. After

6 we had the translation and everything brought to us. I

7 think it was in a day or so after we had the meeting.

8 We looked it over, and the people at the meeting, they

9 signed it.

10 Q How did that happen?

11 A They just had another meeting because they

12 had one every day scheduled to try to reach people.

13 They would be there every day until people get off of

14 their jobs. They would try to catch them. In the

15 plant, we would just tell people to try to meet down

16 after your shift, and they would talk to them. That's

17 how they brought the letter up that we had talked about

18 the day or two before and asked us to read it over, and

19 if we agreed with it, would we sign it. And we did.

20 Q Was there anyone who signed the letter who

21 wasn't at the meeting to put it together?

1 day away, I assumed that the raise went with it.

2 Q Did you ask him about that?

3 A No.

4 Q On page five of the affidavit, in the
5 middle of the page, about line twelve through thirteen,
6 you said, "The hours have decreased since going to the
7 hearing in early May from what I normally got. 37.25
8 hours a week to as low as 20 hours a week."

9 A Yes. I said that.

10 Q Is 37.25 -- was that what you normally got?

11 MR. SIMON: Objection. Asked and answered.

12 You can go ahead and try to answer it.

13 A As I said, it was around thirty some after
14 they took out the lunchtime five days a week. I don't
15 know if it was 37.5, or whatever, but I know it wasn't
16 forty that I expected.

17 Q And when you got twenty hours a week, was
18 that twenty hours on five days or twenty hours on fewer
19 days?

20 A Twenty hours on five days.

21 Q Did you ever work any extra days during

1 that period?

2 A No. They didn't schedule me -- schedule me
3 for any.

4 Q Did you volunteer for any?

5 A Yes.

6 Q What extra days did you volunteer for?

7 A Any day. Overtime. I think I worked one
8 Saturday. Sonny, I guess he didn't have anybody else.
9 Reginald Everette and myself, we worked on a Saturday.

10 Q So Saturdays was normally your day off?

11 A Yes. Well, according to my normal
12 schedule, but since I had my schedule altered between
13 Tuesdays and Thursday and Monday and Wednesday, you
14 know, that Saturday was off. I was scheduled to be off
15 that Saturday that I worked, yes.

16 Q Did you ever volunteer for Sunday work?

17 A I volunteered for any work they had.

18 Q How did volunteering for Sunday work
19 happen?

20 A I just walked up to them, and I asked them
21 did they need somebody for overtime. That was

1 basically how it went. If they didn't have you on the
2 schedule -- because on some of those, after they
3 changed my schedule, I was scheduled to work on
4 Sundays.

5 Q Who did you ask to work overtime?

6 A Well, the first person I asked was I asked
7 John Fitzgerald. I ended up speaking to Ms. Nancy
8 about it. I spoke to Brad about it on occasion.

9 Q When did you speak with John Fitzgerald?

10 A It was like numerous occasions, but I don't
11 know exactly which month it was or what date it was. I
12 was always asking why wasn't I scheduled to get
13 overtime, or when somebody else was working, why
14 couldn't I continue working. Couldn't they put me on a
15 day shift schedule. I even asked Brad about why
16 couldn't they put me on a day shift. He said they had
17 no more openings on the day shift after they changed
18 our shift from the seven o'clock to seven. Because
19 when they went to the new plant, that's what they were
20 doing, seven to seven.

21 Q When did you make the request to go on day

1 Q Mr. Newsome, this morning you mentioned
2 that people who worked in the soil room didn't get
3 gloves or masks.

4 A They didn't have them when I was there.
5 They had people like Mike Ashley who was supposed to
6 be -- I guess he was one of the supervisors for that
7 shift. He was working without gloves. Keith Spriggs,
8 he works without them occasionally.

9 When soil came across there, such as fecal
10 matter, and the diapers and blood clothes coming across
11 there, they were basically using their hands. I was
12 like -- I was getting plastic gloves until they ran
13 out.

14 Then after we started talking about it,
15 they got some different gloves. I guess some of them
16 were tearing up. They gave some cloth gloves one time
17 with them little blocks dots and stuff on them. When
18 you got soil that was wet, it would seep through the
19 gloves. I used to put the plastic ones under the cloth
20 ones because the cloth ones would get wet, and you
21 would still have the urine and all that soaked into the

1 MR. SIMON: Objection. Asked and answered.

2 He already answered the same question. Go ahead and
3 answer it.

4 A No. I'm not aware.

5 Q Do you recall if you had any discussion
6 with anyone regarding this warning notice, Exhibit 4?

7 A No.

8 Q No, you are not aware, or no, you had no
9 discussion?

10 A No, I'm not aware that I had a discussion.

11 Q In your complaint, you allege that you
12 heard managers at Up-To-Date make racial comments.

13 A Yes.

14 Q Tell me what you heard.

15 A I heard Brad say over on Frederick Avenue
16 when they had the fire and people ran to get the fire
17 extinguisher, he said, "Don't you dumb niggers know how
18 to work a fire extinguisher?"

19 Q Do you remember when that was?

20 A It was on the day that they had the fire on
21 or around -- I don't know exactly the date, but I know

1 they had a fire in the plant. That was the one where I
2 worked that same evening till four o'clock in the
3 evening -- till four o'clock the next morning.

4 Q Were you present when Brad said this?

5 A Yes.

6 Q Where was the tire?

7 A Fire was on the dryer closest to the
8 entrance of the plant.

9 Q Who was there other than yourself?

10 A Dave and all other employees that worked on
11 that shift that day. The evening shift.

12 Q Who was operating the dryer?

13 A Some Latinos that were doing the operation
14 of the dryers. I don't know their names or anything.

15 Q And tell me what you saw.

16 A I saw -- I was on my machine pulling boxes,
17 and we saw smoke on top of the dryer. And we heard
18 people talking about, "Go get a fire extinguisher. Go
19 get a fire extinguisher." So they ran, and they got
20 about one -- they ended up with two fire extinguishers.

21 Neither one of them had anything in them or didn't

1 A You mean say anything racial that was
2 discriminating? I think that is your question, right?

3 Q (MS. PHELAN) Yeah.

4 A No. I don't think so. No.

5 Q Did you ever hear him use the word nigger?

6 A No.

7 Q How about Nancy? Did you ever hear her say
8 anything that you thought was racial?

9 A No. No. No. No. I didn't hear her say
10 anything. No. Not Ms. Nancy.

11 Q Did you ever hear her say anything that you
12 thought was discriminatory?

13 A No. Oh, wait a minute. In one of our
14 conversations, she said to me -- in the office, she
15 said, "You know half these people don't deserve the
16 money we give them." That's when she was talking to me
17 about my six days working and my raise. She also
18 said -- I'm trying to remember who she said that. She
19 made a statement when she said, "All those people like
20 to do is get drunk and use drugs."

21 Q This is in a conversation about the \$6?

1 could be a male too if you are homosexual or you
2 bisexual or whatever. Basically you're doing sexual
3 things or indicating sexual -- you want sexual favors
4 or whatever, but it is about sexual things.

5 Q Did you ever observe Brad involved in any
6 conduct like that with anyone other than this person
7 named Celeste?

8 A No.

9 Q How about David? Did you ever observe
10 David involved in that kind of conduct?

11 A Yes. One day we, were on the line in the
12 new plant, and Keith Spriggs girlfriend, Michelle, she
13 was behind us. We had boxes pushed up to us that we
14 were supposed -- hospitals that we are supposed to do.
15 Each person had a number of boxes behind them. Dave
16 and Michelle were behind us, and all of a sudden you
17 didn't see Michelle's head. We just saw her hands on
18 the boxes. I looked back, and David was acting as if
19 he was having sex with her from the rear.

20 I spoke to Keith Spriggs about it. I said,
21 "Man, don't you see Dave acting like he is having sex

1 with your girl," and he made a statement to me, "That's
2 the way they play."

3 Q What happened after that?

4 A The guys on the line -- we made a comment,
5 "You must be crazy to let a white guy do your girl like
6 that. If that was us, we would tear his little ass
7 up." That's what they said, but Keith said it's just
8 the way they play. Nothing happened. They were
9 laughing about it. So we left it alone. That is his
10 girl.

11 Q Did you ever observe David engage in any
12 other conduct that you thought was sexual harassment?

13 A I've seen them play with -- acting as if he
14 was playing with someone. Run up behind them. I don't
15 know if it was Joseph Lloyd. I think Joseph Lloyd was
16 doing something, and Dave ran up behind him and acted
17 as if he was going to have sex with him from the back.
18 I was like -- I was like, "Oh, he must be" -- it was
19 just, I don't know, beyond my concept that he would do
20 that. I was like is he gay or something like that.
21 Joseph told him go ahead and stop, or something like

1 that. He told him, "Don't do that again" or something.

2 I continued on working.

3 Q Excuse me?

4 A Joseph Lloyd told David, "Don't do it

5 again," and I continued on working.

6 Q Did it stop at that point?

7 A I think so.

8 Q Did you see Dave do anything else that you

9 thought was sexual harassment?

10 A No.

11 Q In your complaint you allege that Nancy

12 Stair told you that Latinos are better workers than

13 African-Americans?

14 A Yes.

15 Q Do you recall a statement of that type?

16 A Something like that. She say to me -- she
17 said, "Well, you know, the Latinos work better than
18 some of the workers here." She said, "Latino workers
19 are working better than some of the workers here."

20 That meant she was referring to black people.

21 Q When was that statement made?

1 A Between May and June. Somewhere along
2 there.

3 Q Where did that conversation take place?

4 A That was in her office or near her office.
5 Somewhere like that. We were talking, and she made
6 that statement. I think it came out the same time we
7 were having that meeting in her office. She just made
8 little statements like that. I don't know. She just
9 put it out there.

10 Q It was the same time you had the other
11 conversation with her in the office, or it is two
12 different conversations in the office?

13 A I think it was two different conversations.
14 I kind of remember that one in the office had "those
15 people" in it. "We pay those people" -- you know,
16 "Those people don't deserve the money that we give
17 them. The Latino workers are better workers." Might
18 have been in that same conversation.

19 Q Prior to Nancy saying that in the
20 conversation, were you talking about the Latino
21 workers.